

**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P O Box 68
Kremmling, CO 80459**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-LLCON02000-2014-0045-CX

A. Background

CASEFILE/PROJECT NUMBER: COC-74351

PROJECT NAME: State Bridge land use permit renewal, COC-74351

LEGAL DESCRIPTION: T. 2 S., R. 83 W., Section 23, SE1/4, 6th P.M.

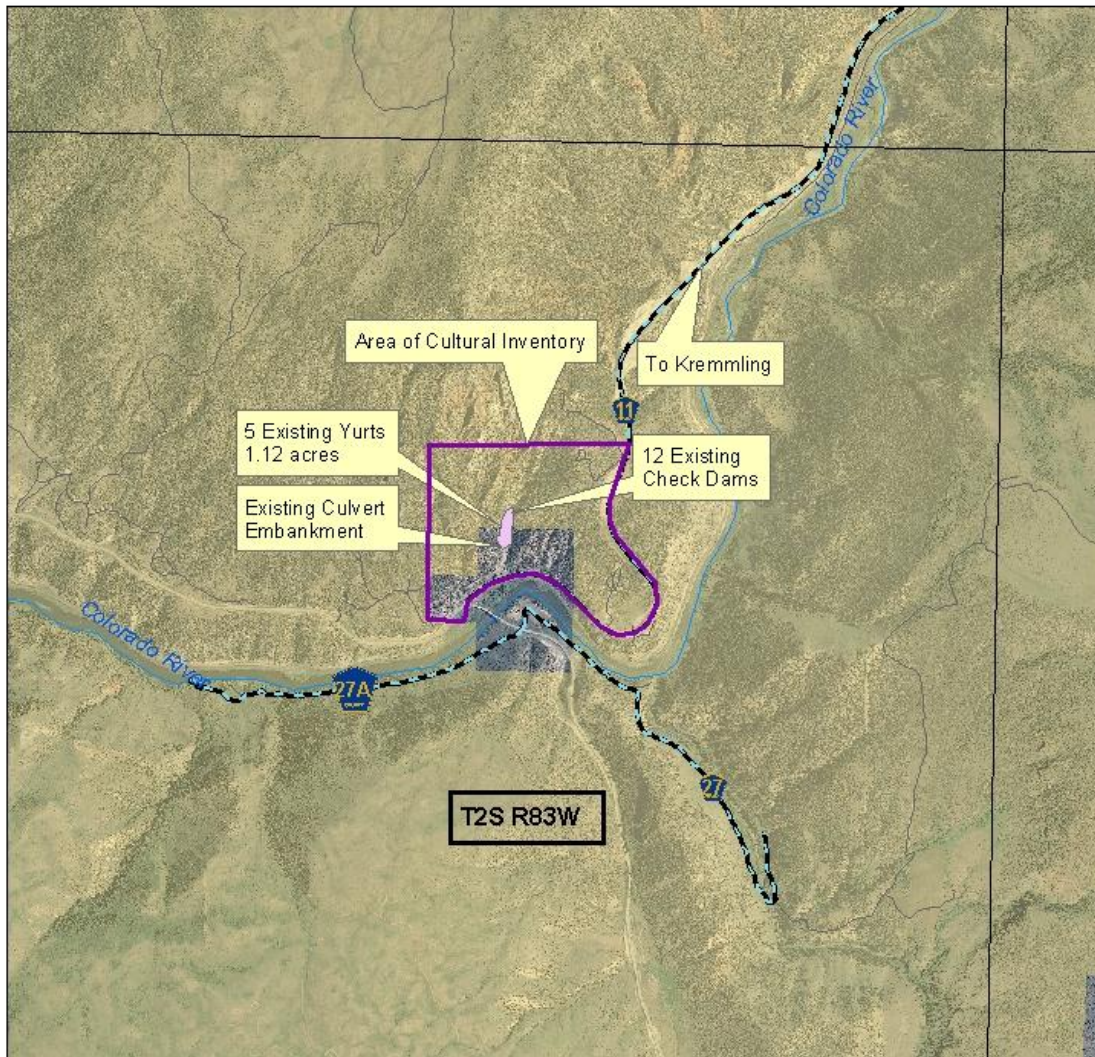
APPLICANT: Douglas Moog

DESCRIPTION OF PROPOSED ACTION: Douglas Moog was issued a land use permit May 26, 2011, which expired December 31, 2013. He has applied to renew the permit. There are twelve check dams, an embankment with a large culvert within it, a footpath and five yurt structures located on BLM lands. There would be no new ground disturbance. The permit would be issued for three years.

DOI-BLM-LLCON02000-2014-0045-CX



State Bridge Land Use Permit COC-074351



Legend

State Bridge	Land Status
County Roads	Land Status
Major Roads	Bureau of Land Mgt
Class of Route	Division of Wildlife
County Road	National Park
Il. duty	US Forest Service
primitive 4wd; primitive road	National Wildlife Refuge
poised road	Private
Major Streams	State
	State Forest

1:24,000
Miles
0 0.125 0.25 0.5



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April Sperandio, 03-12-2010
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PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: the Kremmling Resource Management Plan (RMP), Record of Decision

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Page 12

Decision Language: Provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns.

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E., (9): Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X

Extraordinary Circumstance	YES	NO
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the Kremmling Field Office interdisciplinary team on 8/28/2014. A complete list of resource specialists who participated in this review is available upon request from the Kremmling Field Office.

Name	Title	Resource	Date
Bill Wyatt	Archaeologist	Cultural Resources, Native American Tribal Consultation	8/28/2014
Darren Long	Wildlife Biologist	Special Status Plant/Wildlife Species	8/28/2014
Paula Belcher	Hydrologist	Soil, Air, Water & Riparian Resources	9/2/2014

REMARKS:

Cultural Resources: The action is not an undertaking as defined in Section 106 of the National Historic Preservation Act (NHPA) of 1966 as amended.

Native American Tribal Consultation: Because this is not an undertaking as defined under Section 106 of the NHPA tribal consultation was not initiated under Section 106.

Special Status Species: The proposed permit is in the State Bridge Landscape Linkage area designated for Canada Lynx. Due to the nature of the existing “permanent” structures on the BLM, this action would not limit lynx ability to move across the landscape.

MITIGATION: None

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DECISION RECORD

PROJECT NAME: State Bridge land use permit renewal, COC-74351

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-LLCON02000-2014-0045-CX

DECISION

It is my decision to implement the Proposed Action, DOI-BLM-LLCON02000-2014-0045-CX, authorizing a land use permit renewal, COC-74351.

Mitigation Measures: None

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Federal Land Management and Policy Act, the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the December 19, 1984; Updated February 1999 Kremmling Resource Management Plan (RMP).

PUBLIC INVOLVEMENT: The CX will be available for a formal 30-day public comment period when posted on the Kremmling Field Office's internet website.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(17). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs

must also be served upon the Regional Solicitor, Rocky Mountain Region, U.S. Department of Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's Kremmling Field Office internet website.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Stephanie Odell
Field Manager

DATE SIGNED: 9/2/2014

STIPULATIONS
FOR
STATE BRIDGE LAND USE PERMIT
COC-74351

Standard Stipulations

1. The permittee shall be responsible for weed control on disturbed areas within the limits of the permit. The permittee is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.
2. The permittee is not authorized to post 'No Trespassing' or other signage on BLM administered lands restricting public access or use, or depicting BLM administered lands as private. The yurt structures may be signed as private.
3. No motorized vehicles may access the yurts permitted by this proposal.
4. Maintenance, as needed, will be performed within one week of large storm events.
 - a. Maintenance would consist of removing sediment deposits from the ponded area, making sure that at least 0.5 feet of depth exists between the bottom of the pond and the culvert lip.
 - b. A "large storm event" produces runoff in the defined drainage, with flows reaching the ponded area.
5. Excavated sediment and debris will not be spread or stockpiled on BLM lands without prior permission.
6. Revegetation is required of the disturbed soils of the embankment and the basin using the attached seed mixture. Re-seeding is required on the disturbed areas around the yurts with a native species.
7. Gravelling is required for any access trail.
8. The permittee is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.
 - a. The permittee shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The permittee shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed will be

based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the permittee shall bear the cost of the services of a non-Federal professional.

- b. Within five working days the Authorized Officer will inform the permittee as to:
 - i. Whether the materials appear eligible for the National Register of Historic Places;
 - ii. The mitigation measures the permittee will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
 - iii. A timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.
 - c. -If the permittee wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the permittee will be responsible for mitigation costs. The Authorized Officer will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the permittee will then be allowed to resume construction.
 - d. -Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource will also be included in this evaluation and/or mitigation. Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization will also be protected. Impacts that occur to such resources, which are related to the authorizations activities, will be mitigated at the permittee's cost.
9. Pursuant to 43 CFR 10.4(g), the permittee of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
10. The permittee shall conduct all activities associated with the construction, operation, and termination of the permit within the authorized limits of the permit.
11. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides

shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the permittee shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

12. The permittee(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the permittee(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
13. Prior to termination of the permit, the permittee shall contact the authorized officer to arrange a joint inspection of the permit area. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the permittee's commencement of any termination activities.

SUGGESTED SEED MIX* FOR RECLAMATION

Western Wheatgrass	<i>Pascopyrum smithii</i>	6.0 lbs PLS**/acre
Bluebunch Wheatgrass	<i>Pseudoroegneria spicata</i>	6.0 lbs PLS/acre
Slender Wheatgrass	<i>Elymus trachycaulus</i> ssp: <i>trachycaulus</i>	6.0 lbs PLS/acre
Canby bluegrass	<i>Poa canbyii</i>	2.0lbs PLS/acre
Indian ricegrass	<i>Achnatherum hymenoides</i>	<u>4.0 lbs PLS/acre</u>
	TOTAL	24.0 lbs PLS/acre

Seeding rates are for broadcast seeding. If drilled, seeding rates may be halved.

*All seed must be certified weed free

**PLS = pure live seed